

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



DANNETTA G. SPELLMAN,

Plaintiff,

v.

Case No. 2:17cv635

THE SCHOOL BOARD OF THE CITY
OF CHESAPEAKE, VIRGINIA,

Defendant.

ORDER

This matter comes before the court on Defendant's, the School Board of the City of Chesapeake, Virginia, Motion to Dismiss Count I of the Complaint (ECF No. 11) filed on February 27, 2018. The matter was referred to a United States Magistrate Judge by Order of March 21, 2018, (ECF No. 17), pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the Motion.

The United States Magistrate Judge's Report and Recommendation (ECF No. 19) was filed on April 5, 2018. The Magistrate Judge recommended that the court grant Defendant's Motion to Dismiss Count I of the Complaint.

By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired. Accordingly, the court does hereby **ADOPT AND APPROVE IN FULL** the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed April 19, 2018. The court **GRANTS** Defendant's Motion to Dismiss Count I. Count I's gender claims pursuant to Title VII and 42 U.S.C. § 1981 are **DISMISSED WITH PREJUDICE**. However, Count I's race discrimination claims pursuant to Title VII and 42 U.S.C. § 1981 are **DISMISSED WITHOUT PREJUDICE** to amend these claims. Plaintiff is given twenty-one (21) days from the entry of this Order to file any amended race discrimination claims under Count I of the Complaint.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/
Rebecca Beach Smith
Chief Judge
REBECCA BEACH SMITH
CHIEF JUDGE

April 30, 2018